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Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Elimination of racism, racial discrimination, xenophobia and related intolerance

The rule of law at the national and international levels

Cooperation between the United Nations and regional and other organizations

Security Council
Sixty-seventh year

Letter dated 5 October 2012 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I am writing in reference to the letter dated 26 September 2012 from the Permanent Representative of the Republic of Armenia (A/67/398-S/2012/725), which, in both form and content, presents a provocative and irresponsible attempt to respond to my letters of 20 July and 17 August 2012 (A/66/875-S/2012/573 and A/66/890-S/2012/661) regarding the illegal "presidential elections" held on 19 July 2012 in the occupied Daghlyq Garabagh (Nagorno-Karabakh) region of the Republic of Azerbaijan.

I would like to draw your attention to the fact that the letter from the Permanent Representative of Armenia has as its annex a statement made in the name of the unlawful separatist regime, which is ultimately nothing other than the product of aggression and racial discrimination and which has been set up by Armenia in the occupied territories of Azerbaijan at the cost of incalculable human lives and suffering. Such an attempt to mislead the international community and propagate the unlawful separatist regime once again clearly testifies to the unwillingness of Armenia to comply with the obligations incumbent upon it under the fundamental norms and principles of international law and to abide by universally recognized standards of civilized behaviour.

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Both the letter from the Permanent Representative of Armenia and the substance of its annex constitute yet another instance of the blatant falsification resorted to by the Armenian side in apparent contravention of the unanimous position of the international community with respect to the sovereignty and territorial integrity of Azerbaijan and the illegality of the separatist entity.

In that regard, it should be pertinent to reiterate that, in its resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993) adopted in response to the illegal use of force against Azerbaijan and the occupation of its territories, the Security Council reaffirmed both the sovereignty and territorial integrity of Azerbaijan and the inadmissibility of the use of force for the acquisition of territory. It has further stated that Daghlyq Garabagh is part of Azerbaijan and demanded the immediate, complete and unconditional withdrawal of occupying forces from all the occupied territories of Azerbaijan. The General Assembly and other international organizations have adopted a similar position.

Below are the most recent examples relating to some high-level international events that took place earlier this year and which demonstrated the consistent support by the international community of the sovereignty and territorial integrity of Azerbaijan.

The Heads of State and Government of the member countries of the North Atlantic Treaty Organization (NATO) expressed their great concern over the persistence of protracted regional conflicts, including in the South Caucasus, reaffirmed in that regard their commitment to the territorial integrity, independence, and sovereignty of the States in the region and stated that they "will ... continue to support efforts towards a peaceful settlement of these regional conflicts, based upon these principles and the norms of international law, the United Nations Charter, and the Helsinki Final Act" (Chicago Summit Declaration, 20 May 2012, para. 47).

The final communiqué of the fourth extraordinary session of the Islamic Summit Conference, held on 14 and 15 August 2012, condemned Armenia's aggression against Azerbaijan and called for Armenia's withdrawal from Azerbaijan's territories (para. 27). Later in 2012, the Ministers of Foreign Affairs of the member States of the Organization of Islamic Cooperation, in the final communiqué of their annual coordination meeting, held on 28 September 2012, "condemned the aggression of Armenia against Azerbaijan, reaffirmed that the acquisition of territory by force is inadmissible under the Charter of the United Nations and international law, and called for the resolution of the conflict on the basis of respect for the sovereignty, territorial integrity and inviolability of the internationally recognized borders of the Republic of Azerbaijan". The Group also expressed "its grave concern at the forced demographic changes, interference with property rights, inadequate protection of the cultural heritage and sacred sites in the Daghlyq Garabagh (Nagorno-Karabakh) region and other occupied territories of Azerbaijan and reaffirmed in this regard its principled support to the efforts of Azerbaijan, including within the United Nations General Assembly, aimed at ensuring respect for international humanitarian law and international human rights law in the occupied territories of Azerbaijan" (para. 36).

The Heads of State or Government of the Non-Aligned Movement, in the final document of the sixteenth summit, held from 26 to 31 August 2012, "expressed their regret that the conflict between Armenia and Azerbaijan remains unresolved and continues to endanger international and regional peace and security". They

"reaffirmed the importance of the principle of non-use of force enshrined in the Charter of the United Nations, and encouraged the parties to continue to seek a negotiated settlement of the conflict within the territorial integrity, sovereignty and the internationally recognized borders of the Republic of Azerbaijan" (para. 391).

It should be noted in particular that the President of Armenia refused to participate at the aforementioned summits of NATO and the Non-Aligned Movement only because of their position in regard to the conflict and the principles to be applied for its resolution.

The illegality of the separatist entity and its structures, established by Armenia in the occupied territory of Azerbaijan, has been repeatedly stated at the international level. The entity is entirely unrecognized as such; it is under Armenia's direction and control. The European Court of Human Rights has recently concluded that the separatist entity, referred to by Armenia as the "Nagorno-Karabakh Republic", "is not recognised as a State under international law by any countries or international organisations" and that, "against this background, the invoked laws cannot be considered legally valid" (*Elkhan Chiragov and Others v. Armenia*, European Court of Human Rights, decision of 14 December 2011, application No. 13216/05, para. 102). According to the information contained in my letter of 17 August 2012 (A/66/890-S/2012/661), the international organizations and individual States once again voiced their unequivocal protest against the aforementioned "elections" held on 19 July 2012 in the occupied Daghlyq Garabagh region of Azerbaijan, declared them null and void and reconfirmed their policy of non-recognition of the separatist entity.

We are confident that the policy of Armenia of the colonization and annexation of the occupied territories of Azerbaijan has no chance to succeed. The Daghlyq Garabagh region is an integral part of Azerbaijan, and Armenia will be obliged to completely withdraw its armed forces from that region and other occupied territories, to respect international law and to establish civilized relations with all countries of the region.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 34, 39, 67, 83 and 121, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative